

Message Text

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PAGE 01 BRIDGE 01540 282145Z

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ACTION EB-07

INFO OCT-01 ARA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOTe-00 INR-07 NSAE-00 FAA-00 L-03 H-02 INRE-00 SSO-00

NSCE-00 SS-15 NSC-05 USIE-00 PA-01 PRS-01 /050 W

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O R 281928Z AUG 75

FM AMEMBASSY BRIDGETOWN

TO SECSTATE WASHDC IMMEDIATE 9488

INFO AMEMBASSY PORT OF SPAIN

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E.O. 11652: N/A

TAGS: EAIR,PFOR,BB

SUBJ: CIVAIR: AIR TRANSPORT SERVICES BETWEEN US AND BARBADOS

REF: STATE 204943

1. THIS MORNING, AMERICAN AIRLINES VICE PRESIDENT COLLINS TELEPHONED ME TO INQUIRE INTO STATUS OF AMERICAN'S APPLICATION TO AIR TRAFFIC LICENSING AUTHORITY (ATLA) FOR PERMIT TO BEGIC FLYING TO AND FROM BARBADOS. FOLLOWING THIS CONVERSATION, I ASKED DCM SIMMS TO CALL ON PERMANENT SECRETARY IN PRIMIN'S OFFICE SAM CORBIN TO DISCUSS AMERICAN APPLICATION AND TO EXPRESS MY GROWING CONCERN OVER PROVISION OF AIR SERVICES WHEN PANAM CEASES OPERATIONS HERE. IAN ARCHER, SENIOR CROWN COUNSEL IN PRIMIN'S OFFICE AND CHAIRMAN OF BOARD OF ICA, WHOM CORBIN HAD INVITED TO BE PRESENT, ACTED AS PRINCIPAL SPOKESMAN FOR BARBADOS SIDE IN ENSUING DISCUSSION.

2. SIMMS EXPLAINED THAT, AS TIME DREW EVER CLOSER FOR AMERICAN TO BEGIN OPERATING SERVICES NOW PROVIDED BY PAMAM, AMERICAN AND EMBASSY WERE BECOMING INCREASINLY CONCERNED ABOUT UNCERTAINTY ATTENDING ATLA'S CONSIDERATION OF AMERICAN APPLICATION. HE SAID THAT QUESTION INEVITABLY

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PAGE 02 BRIDGE 01540 282145Z

AROSE WHETHER ISSUE OF AMERICAN APPLICATION HAD NOT BEEN

LINKED WITH ISSUE OF ICA APPLICATION AND STRESSED THAT CONSIDERATIONS WERE DIFFERENT IN THE TWO CASES. HE ALSO EXPRESSED OPINION THAT ANY ACTION WHICH WOULD REDUCE EXISTING AIR SERVICES WOULD NOT BE IN INTEREST OF TRAVELING PUBLIC OR OF BARBADIAN ECONOMY. FINALLY, HE NOTED THAT EVERY EFFORT WAS BEING MADE TO FACILITATE EXPEDITIOUS CONSIDERATION OF ICA APPLICATION. (THESE POINTS HAD ALL BEEN MADE IN A NOTE EMBASSY SENT TO MINEXTAFF ON AUGUST 18, BUT SIMMS DID NOT KNOW WHETHER ARCHER HAD SEEN NOTE AND BELIEVED, IN ANY CASE, THEY COULD BEAR REPEATING.)

3. ARCHER REPLIED THAT, GIVEN "UNPRECEDENTED" DELAY IN CAB CONSIDERATION OF ICA APPLICATION, HE WAS SURPRISED THAT EMBASSY SHOULD RAISE QUESTION OF DELAY BY ATLA IN CONSIDERING AMERICAN APPLICATION. IN ANY CASE, IT WAS NOT IN RETALIATION FOR CAB DELAY THAT FINAL ACTION ON AMERICAN APPLICATION WAS BEING HELD UP, BUT RATHER BECAUSE ATLA HAD NOT YET RECEIVED A SATISFACTORY ANSWER TO ITS PROPOSAL THAT THE PERIOD OF STAY PERMITTED PERSONS FLYING TO BARBADOS ON EXCURSION FARES BE RAISED FROM 21 DAYS TO 30. NOR HAD THIS PROPOSAL BEEN MADE ONLY TO AMERICAN; IT HAD ALSO BEEN PUT TO BWIA AND ICA.

4. IT WOULD BE MISLEADING, HOWEVER, ARCHER CONTINUED, TO IMPLY THAT GOB WAS SATISFIED WITH WAY IN WHICH ICA APPLICATION BEING HANDLED. IN HIS PERSONAL OPINION, DELAY WAS "SCANDALOUS" AND CONSTITUTED "A BREACH IN THE SPIRIT OF THE BILATERAL AIR AGREEMENT." NOT ONLY HAD IT TAKEN 5 1/2 MONTHS FOR APPLICATION TO REACH PRE-HEARING STAGE, CAB HAD INSISTED ON SPARRATE APPLICATIONS FROM ICA AND LAKER (FROM WHOM ICA WOULD LEASE ITS AIRCRAFT) AND DETERMINED THAT THE TWO APPLICATIONS WOULD BE DEALT WITH SEPARATELY, SO THAT WHEN DETERMINATION FINALLY MADE ON ICA APPLICATION LAKER APPLICATION WOULD STILL HAVE TO BE CONSIDERED. FURTHERMORE, GOB FAILED TO UNDERSTAND WHY HEARINGS COULD NOT BE WAIVED ALTOGETHER AS HAD HAPPENED IN OTHER CASES OR WHY, IF THEY HAD TO BE HELD, PRE-HEARING WAS NECESSARY, SINCE PRE-HEARING ORDINARILY TOOK PLACE ONLY WHEN SOME US AIRLINE HAD RAISED AN OBJECTION, WHICH WAS NOT THE CASE WITH REGARD TO ICA.

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PAGE 03 BRIDGE 01540 282145Z

5. SIMMS INQUIRED WHETHER AMERICAN'S AFFIRMATIVE RESPONSE TO PROPOSAL FOR A 30-DAY EXCURSION PLAN WAS A PRE-CONDITION OF FAVORABLE ATLA ACTION; WHETHER, IF SUCH RESPONSE WERE GIVEN, AMERICAN COULD THEN COUNT ON FAVORABLE ACTION; WHETHER ICA AND BWIA HAD RESPONDED TO PROPOSAL AND, IF SO, HOW; AND WHETHER THERE WAS ANY POSSIBILITY AMERICAN COULD BEGIN OPERATIONS ON SEPTEMBER 8, AS PLANNED. ARCHER ANSWERED

THAT IT WOULD BE "EXTREMELY DIDFICULT" FOR AMERICAN TO OBTAIN PERMIT IN ABSENCE OF AFFIRMATIVE RESPONSE BUT THAT AFFIRMATIVE RESPONSE WOULD NOT ENSURE ISSUANCE, THAT NEITHER ICA NOR BWIA HAD YET RESPONDED, AND THAT, SINCE ATLA WOULD NOT MEET AGAIN UNTIL SEPTEMBER 9, THERE WAS NO HOPE AMERICAN COULD BEGIN OPERATIONS ON SEPTEMBER 8.

6. SIMMS THEN POINTED OUT THAT, THE WAY THINGS APPEARED TO BE GOING, IT WAS QUITE POSSIBLE THERE WOULD BE NO US AIRLINE SERVICE BETWEEN CONTINENTAL US AND BARBADOS DURING UPCOMING TOURIST SEASON. IN REPLY, ARCHER REMARKED THAT GOB WAS WELL AWARE OF THIS AND ADDED THAT, EVEN IF PERMIT SHOULD BE ISSUED AMERICAN, IT COULD BE REVOKED SUBSEQUENTLY. GOB WAS NOT PREPARED TO TOLERATE INDEFINITELY SITUATION IN WHICH "ALL THE ADVANTAGES ARE ON ONE SIDE", AND INDEFINITE PROLOGATION OF ADMINISTRATIVE PROCEDURES WOULD PUT HIM IN A SITUATION WHERE HE COULD ONLY ADVISE PRIMIN TO DENOUNCE BILATERAL AIR AGREEMENT.

7. I AM INFORMING COLLINS BY TELEPHONE OF SUBSTANCE OF FOREGOING.

8. COMMENT: REFTEL ARRIVED AFTER SIMMS' RETURN TO EMBASSY. SINCE POINTS IT MAKES HAVE ALREADY BEEN MADE AT SENIOR LEVEL, WE DO NOT PROPOSE TAKE ANY FURTHER ACTION AT THIS TIME. PRIMIN IS NOW OUT OF BARBADOS AND, THOUGH HE WAS NOT SUPPOSED TO COME BACK UNTIL SEPTEMBER 12, I HAVE JUST LEARNED CONFIDENTIALLY THAT HE MAY RETURN TOMORROW FOR A DAY OR TWO. IF HE DOES, I WILL TRY TO SEE HIM ON THIS MATTER THEN.
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